

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC HACKETT,)	CV F 01 5997 REC SMS HC
)	
Petitioner,)	
)	ORDER DISMISSING PETITIONER'S
v.)	AFFIDAVIT ON APPEAL
)	
DON TAYLOR, et al.,)	[Doc. #93]
)	
Respondents.)	
_____)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On September 16, 2005, Petitioner filed a pleading entitled "Affidavit on Appeal." The Court has no idea what Petitioner is seeking with this motion. Petitioner cites to California Rules of Court 31(d); however, the California Rules of Court do not apply in federal court. Moreover, the instant action was terminated on August 5, 2005, with the District Court's denial of the petition. As the matter is now pending on appeal before the Ninth Circuit, the Court is also without jurisdiction to entertain Petitioner's motion.

Accordingly, Petitioner's motion is DISMISSED.

IT IS SO ORDERED.

Dated: October 2, 2005
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/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE